IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WA.No. 1480 of 2007

AGAINST THE JUDGEMENT IN WPC.12704/2004 Dated 14/11/2006
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APPELLANT: PETITIONER

VALSAMMA JACOB,H.S.A.ST GEORGE HIGHER SECONDARY SCHOOL,KATTAPPANA,IDUKKI DISTRICT.

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA REP.BY ITS SECRETARY, GENERAL EDUCATION DEPARTMENT,GOVERNMENT OF KERALA THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR GOVERNMENT EXAMINATIONS,THIRUVANANTHAPURAM.

BY GOVT PLEADER SRI K. SANDESH RAJ

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON 02/07/2007 DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & ANTONY DOMINIC, JJ.

Writ Appeal No 1480 of 2007

Dated: 2nd July, 2007

JUDGMENT

Radhakrishnan, J.

We find no illegality in the reasoning expressed by the learned single judge. Appellant - petitioner entered service as aided school teacher on 5.6.1984. According to her, her actual date of birth is 18.1.1953. But in her SSLC book date of birth was mistakenly entered as 06.01.1952. Application for correction of date of birth filed by her was rejected by the Government by Ext.P5 order dated 30.01.2003 stating that the same was filed beyond the time stipulated in G.O.(P) 45/91/P&ARD dated 30.12.1991. Appellant has got a contention that she could not produce the corrected copy of SSLC book and hence there was delay in carrying out the correction in the service book. We are of the view, that is not a ground for not filing the application within the time stipulated in the above mentioned government order. Counsel appearing for the appellant, however, referred to few orders by which Government have accorded

sanction for correcting the date of birth in the service book of certain persons though belated. We are of the view this court sitting in writ jurisdiction is not justified in perpetuating the illegality. We fail to see how the Governemnt could accord sanction since Government themselves have taken up the stand that belated applications have to be summarily rejected. Government should treat all citizens equally. It is unfortunate that a popular Government changes its views from time to time to favour a few. In any view, constitutional court cannot act on that basis and direct the Governemnt to repeat that illegality. In such circumstances, the writ appeal lacks merits and it is dismissed.

Sd/-

K.S. RADHAKRISHNAN
Judge

Sd/-
ANTONY DOMINIC
Judge

02/07/2007
en/

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